

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARTHA BERNDT, et al.,

Plaintiffs,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS, et al.,

Defendants.

Case No. 03-cv-03174-PJH

**ORDER VACATING TRIAL DATE AND  
REFERRING CASE TO MAGISTRATE  
JUDGE FOR ALL PURPOSES**

On September 7, 2015, plaintiff's counsel filed a letter with the court stating that plaintiff Martha Berndt had suffered an injury to her back that would prevent her from attending and testifying at trial, which is scheduled to begin on September 14, 2015. The letter further stated that plaintiff "would prefer that any delay in the trial be for a short time."

On September 8, 2015, the court held a telephonic conference with the parties to discuss the impact of plaintiff's injury on the trial schedule. Because the court's schedule could not accommodate a brief continuance of the trial date, as requested by plaintiff, it gave the parties four options to choose from: (1) a continuance of the trial date to either July 2016 (for a two-week trial) or November 2016 (for a two-and-a-half-week trial); (2) keeping the current trial date and allowing plaintiff to testify via trial deposition; (3) consenting to try the case before a Magistrate Judge; or (4) a second-place trial position behind previously-scheduled trials, which would require that the parties be ready to try the case with as little as one week's notice.

The parties both consented to try the case before Magistrate Judge Vadas, and on

1 September 9, 2015, the parties submitted a stipulation so stating, which the court  
2 granted. See Dkt. 845. Accordingly, pursuant to Local Rule 72-1 and the consent of the  
3 parties, this matter is referred to Magistrate Judge Vadas for all purposes, including trial  
4 and entry of judgment.

5 The September 14, 2015 trial date is VACATED. The parties will be advised of the  
6 date, time, and place of the next appearance by notice from Magistrate Judge Vadas.

7 **IT IS SO ORDERED.**

8 Dated: September 10, 2015



9  
10 PHYLLIS J. HAMILTON  
United States District Judge